

September 22, 2020

David J. Bradley, Clerk of Court

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

United States District Court  
Southern District of Texas

**ENTERED**

September 22, 2020

David J. Bradley, Clerk

UNITED STATES OF AMERICA

VS.

BRENDA ALICIA FUENTES

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§

CRIMINAL ACTION NO. 7:19-CR-02341

**ORDER**

Pending before the Court is Defendant's "Motion to Withdraw as Counsel" [Dkt. No. 38] and "Pro se Motion to Proceed *In Forma Pauperis* for Appeal" [Dkt. No. 40]. In the motion to withdraw, counsel acknowledges that he was "appointed to represent Defendant" yet he indicates that Defendant "at no time request, pay or hire attorney Moreno to file an appeal on her behalf." Section 3006A(c) of the Criminal Justice Act provides that appointment at the trial court level shall run through appeal.<sup>1</sup> Accordingly, the motion to withdraw is **DENIED**. If Mr. Moreno is not qualified to practice appellate work, he may so inform the Court *no later than September 28, 2020*; otherwise, Rudy Santiago Moreno remains the attorney of record in this case.

As to the motion to proceed *in forma pauperis*, Defendant Brenda Alicia Fuentes is GRANTED leave to appeal in Forma Pauperis.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 22<sup>nd</sup> day of September, 2020.



Micaela Alvarez  
United States District Judge

<sup>1</sup> See §220.20, Guide to Judicial Policy, Vol 7, Part A, Chapter 2.